

**Translation**

PATENT COOPERATION TREATY

**PCT**

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/523841  
PCT/EP2003/008840  


Applicant's or agent's file reference FGMPT04044WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/008840	International filing date (day/month/year) 08 August 2003 (08.08.2003)	Priority date (day/month/year) 08 August 2002 (08.08.2002)
International Patent Classification (IPC) or national classification and IPC H04L 12/56		
Applicant KELZ, Thomas		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05 February 2004 (05.02.2004)	Date of completion of this report 17 November 2004 (17.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/008840

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-11, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the claims, Nos. \_\_\_\_\_, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. 1-13, filed with the letter of 20 September 2004 (20.09.2004),  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the drawings, sheets/fig 1/2-2/2, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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International Application No.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

### 2. Citations and explanations

1. Reference is made to the following document:

D1: GB-A-2 351 874 (NIPPON ELECTRIC CO)  
10 January 2001 (2001-01-10)

2. INDEPENDENT CLAIM 1

D1, which is considered to represent the closest prior art in relation to the subject matter of claim 1, discloses (the references in parentheses are to this document):

Process for determining parameters for WAP-based transmissions via a wireless connection,

a) wherein decisions concerning the type of transmission are taken on the basis of short- and long-term forecasts of the quality of the wireless connection,

b) ...

c) wherein decisions are taken on the basis of short-term forecasts of the quality of an existing wireless connection concerning:

c1) number of asynchronous transactions  
and/or

- c2) delay before renewing transmission and/or
- c3) modification of the burst mode and/or
- c4) packet size.

The subject matter of claim 1 differs from the known process in that transmissions are WAP-based and that Send and/or Get or Resume or Suspend decisions are taken on the basis of long-term forecasts of the possibility of establishing a wireless connection or of the quality of the wireless connection.

- 2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)). The problem addressed by the present invention may therefore be considered that of enabling forecasts of the future quality of a wireless connection to be made and applied and deciding to which radio transmission protocol the described solutions can be applied.
- 2.2 The solution to this problem proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)). The reasons are: the combination of features contained in claim 1 is neither known from nor suggested by the available prior art.
3. INDEPENDENT CLAIMS 11-13

The same reasons as those stated with respect to claim 1 apply *mutatis mutandis* to independent claims 11-13. The subject matter of claims 11-13 is therefore novel (PCT Article 33(2)) and involves an inventive step (PCT Article 33(3)).

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4.      DEPENDENT CLAIMS 2-10

Claims 2-10 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.